



## **Update Since Preliminary Adoption of Rules In Title 326 Under IC 13-14-9.5**

#00-44(APCB) / LSA Document #00-44

### **Additional Outreach Since Preliminary Adoption**

IDEM has continued to work with interested parties throughout the course of this rulemaking. Also, in April 2002, IDEM mailed a draft of this rule to incinerator sources and interested parties.

### **Description of the Rulemaking Project**

This rulemaking was originally required pursuant to IC 13-14-9.5, the "sunset" law, which provided for the expiration and readoption of all administrative rules. The 2001 state legislature expanded the list of exemptions to the sunset law. Rules that require federal approval or funding are no longer subject to expiration under IC 13-14-9.5.

However, IDEM wishes to continue with amendments to 326 IAC 4-2, 326 IAC 9-1 and the repeal of 326 IAC 19-1. IDEM is updating 326 IAC 4-2 and 326 IAC 9-1 to reflect current incinerator operations, remove commissioner discretion language, and clarify language. IDEM is continuing to repeal 326 IAC 19-1 because the rule is no longer needed.

One of the main goals of this rulemaking is to allow sources subject to more stringent federal standards to be exempt from overlapping standards in the state rules. The draft rule that was preliminary adopted included a conditional exemption for sources that had a more stringent particulate matter emission limit. IDEM has worked with U.S. EPA to completely exempt sources from 326 IAC 4-2 that are subject to more stringent MACT standards. Sources subject to more stringent particulate matter emissions, but not subject to a MACT, are still allowed an exemption from the particulate matter emission limitation, the same as in the draft rule.

Another goal is to provide sources more operational flexibility. Since preliminary adoption, IDEM worked with U.S. EPA to allow sources to develop an operation and maintenance plan as an alternative to following manufacturer's specifications. A new

section, 326 IAC 4-2-2(c), was added to address the option of an operation and maintenance plan. It includes criteria that the plan must meet. Sources may still continue to comply with manufacturer's specifications as the rule currently requires.

Requirements and language were also clarified. No new requirements were added as part of this rulemaking, but IDEM amended language to better clarify how the rule is to be interpreted. For example, the requirement in 326 IAC 4-2-2(a)(6) that "burning shall be terminated immediately" upon violation of the operational standards, was rewritten as the "operator shall stop charging the incinerator until adjustments are made that address the underlying cause of deviation." "Only" was added to 326 IAC 4-2-2(a)(2) to clarify that a primary burner is required unless the incinerator is only burning wood. Language was also updated to meet current Legislative Service Agency style.

Concerning 326 IAC 9-1, U.S. EPA will no longer approve of an amendment to the state implementation plan (SIP) that allows the commissioner discretion to approve control methods not specified in the rule. Therefore, 326 IAC 9-1 was revised to provide that any alternative control methods not listed in the rule must be approved as a SIP revision by IDEM and U.S. EPA.

In addition, the temperature requirement that was included in the preliminarily adopted rule is being removed. Given the wide range of control methods possible to control carbon monoxide emissions, IDEM decided to focus specifically on the types of control methods used to control carbon monoxide emissions rather than focus on a temperature requirement. The carbon monoxide control list was expanded to include recuperative incinerators and secondary chambers as preapproved alternatives to an afterburner or boiler.

### **IDEM Contact**

Additional information regarding this rulemaking

action can be obtained from Gayla Killough, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).